

ATTACHMENT C
STATEMENT OF APPLICABLE
STATUTES, REGULATIONS, MANUALS, POLICIES AND PROCEDURES

I. STATUTES

A. STATE STATUTES

1. Massachusetts General Laws. Chapter 19B and Chapter 123B : **The Department of Mental Retardation .**
2. Massachusetts General Laws. Chapter 19C. **The Disabled Persons Protection Commission.**
3. **General Appropriation Act** for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth.

B. FEDERAL STATUTES

1. 31 U.S.C. § § 7505-7507. **Requirements for Single Audits.**
2. 42 U.S.C § § 301-1397f. **Social Security Act.**

II. STATE REGULATIONS

- A. **Department of Mental Retardation:** 115 CMR 1.00-10.00.
- B. **Division of Healthcare, Finance & Policy:** 114.5 CMR 4.00
- C. **Executive Office of Health and Human Services:** 101 CMR 2.00 and 8.00.
- D. **Executive Office for Administration and Finance:** 801 CMR 21.00
- E. **Division of Purchased Services:** 808 CMR 1.00
- F. **Office of the Comptroller:** 815 CMR 2.00 and 3.00

III. MANUALS

- A. **Commonwealth of Mass.** Procurement Policies and Procedures Handbook and any amendments which may be issued.
- B. **Department of Mental Retardation:** Inventory as amended from time to time.
- C. **Office of the Comptroller:** MMARS Manual and any corresponding MMARS Memoranda issued by the Office of the Comptroller as they relate to the delivery of social and rehabilitative services under the MM subsidiary.

IV. FISCAL, ADMINISTRATIVE AND PROGRAMMATIC REPORTS

Monthly program utilization reports, using applicable vouchersing service delivery reports (service recipient reports for cost reimbursement contracts; client calendar for unit contracts).

V. POLICIES

The Provider shall comply with the EOHHS Standardized Policy on Criminal Background Checks for Providers and State Agencies and all applicable DMR policies and Procedures, including but not limited to, DMR Policy 99-8: HIV & AIDS Policy and Procedures; DMR Policy 99-4: Reporting Policy; DMR Policy 89-10: Family/Citizen Monitoring Process, and such others as may, from time to time, be issued by the Commissioner of Mental Retardation.

VI. PROCEDURES

- A. **DMR Provider Non-Retaliation:** The Provider shall insure that no person, including, but not limited to, any client, family member or employee of DMR or provider shall be subject to retaliation by reason of the persons acting to protect the rights of a client, including, but not limited to filing a complaint pursuant to 115 CMR 9.00, or filing a report with or providing information to DPPC pursuant to G. L. c. 19C. Failure of any Provider to comply may result in cancellation of this contract, refusal to enter into subsequent contracts or other action deemed appropriate by the Commissioner of DMR.
- B. **DMR Quality Assurance:** The provider shall comply with DMR's procedures regarding the monitoring of the quality and effectiveness of the community-based services. These procedures shall provide for, but not be limited to, licensing or accreditation determinations, Independent Professional Review (IPR), Individual Support Plan (ISP) monitoring, family/citizen monitoring, and program evaluations.
- C. **Hepatitis B Screening:** DMR Procedures for Hepatitis B Screening and Immunization of Community Staff and Clients.
- D. **Mid Year Termination:** In the event that this contract is terminated by either party prior to the end of a fiscal year and the provider has operated the contracted program at or above the contract's utilization factor, the provider shall be entitled to the pro-rated portion of that year's maximum obligation corresponding to the portion of the year that the contract was in effect.
- E. **Indemnification:** No provider shall require an individual or his/her parent or guardian to sign any form that would indemnify and hold harmless the provider and its employees against any and all injury, loss, claim, action, damage, or liability arising out of any act, failure to act, or negligence as a condition to receiving services funded under this or any other DMR contract for the purchase of services.

VII. SPECIAL INFORMATION REQUESTS

Such other single reports as may from time to time to be reasonably requested on limited occasions by the DMR pursuant to its obligation to monitor and evaluate services.

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